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C O N F I D E N T I A L BRASILIA 000606

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SUBJECT: BRAZILIAN GOVERNMENT REQUESTS FEDERALIZATION OF
NUN'S MURDER CASE

REF: A. BRASILIA 0581

[B](#). BRASILIA 532

[C](#). BRASILIA 437

[D](#). BRASILIA 369

Classified By: POLITICAL OFFICER BISOLA OJIKUTU. REASON: 1.4 (D)

1) (U) Summary. On March 4, Brazilian Prosecutor General Claudio Fonteles submitted a formal request for federalization of the investigation and prosecution of the Dorothy Stang murder case to the Brazilian Supreme Court (STJ) and is currently awaiting a response. The Association of Brazilian Judges (AMB) released an official statement on March 6 against the federalization request. On March 3, David Stang, brother of Dorothy Stang, met with Justice Minister Bastos to express his strong position in favor of federalizing his sister's murder case. End Summary.

Federalization Request Submitted to STJ

2) (U) On March 4, Brazil's Prosecutor General Claudio Fonteles submitted a formal request to the Supreme Court to federalize the Stang murder case, i.e. take it over from Para state authorities. (Note: Two months ago, the GOB passed a law that allows the Federal Prosecutor to take over major human rights cases from states.) After analyzing state documents on the investigation, Fonteles concluded that state authorities were negligent in protecting potential victims, reducing violence in the region, and prosecuting the case. Fonteles further stated that Para state police have not been impartial and federalization is necessary to insure that the GOB honors international human rights agreements. The STJ has not yet released a ruling.

3) (U) The Association of Brazilian Judges (AMB) released a press statement to express their "full disagreement" with Fonteles' request because the AMB asserted that the state police "efficiently responded to the demands of the case and followed the necessary steps to investigate and punish those responsible." The group pointed out that homicide prosecutions are a state-level responsibility in Brazil, and federalizing the case would be in conflict with Brazilian judicial norms.

Stang/Bastos Meeting

4) (C) On March 3, David Stang, brother of murdered U.S. citizen nun Dorothy Stang, met with Justice Minister Marcio Bastos to press for federalizing his sister's murder case. Stang has been critical of state authorities for failing to protect his sister and believes that corruption and collusion with lumber and land interests in the state's judiciary would jeopardize chances for a fair and effective trial in Para state. Our contacts at Ministry of Justice reported that Bastos expressed his confidence in the state judge in charge of the murder case but said that GOB authorities would consider federalization when investigations have concluded.

5) (C) On March 7, Stang spoke to the Mission Consul General about his meeting with Bastos and said that the meeting "went well." Stang said he is convinced that Bastos wants justice, knows Para is corrupt, and believes the federal government should handle the case. Stang also told the CG that Bastos is "a very compassionate man (who) very much wants to federalize . . . but (faces) a complicated situation." Stang noted that he was pleased to learn that Fonteles submitted a federalization request to the STJ.

Comment:

6) (C) It appears that Bastos is open to federalizing the case but may be unable to admit this publicly due to diverging opinions within Brazil's judicial system (per paragraph 3). Despite the progress that the Para state police and judicial system have made in investigating the Stang murder and the AMB's stance against federalization, post continues to believe that the case should be federalized to ensure successful investigation and prosecution.

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